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C O N F I D E N T I A L SECTION 01 OF 02 THE HAGUE 002156

SIPDIS

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TAGS: [PREL](#) [PHUM](#) [PGOV](#) [NL](#) [USUN](#)

SUBJECT: NETHERLANDS/HUMAN RIGHTS: WORKING TOGETHER ON
HUMAN RIGHTS COUNCIL AND IN THIRD COMMITTEE

REF: SICADE-FALLS-SCHOFER E-MAIL 8/3/05

Classified By: DCM CHAT BLAKEMAN FOR REASONS 1.4(B) AND (D).

11. (C) SUMMARY: The Dutch support the establishment of a Human Rights Council to replace the Commission on Human Rights (CHR), but have specific questions regarding numbers and criteria for membership. The Dutch believe that the new Council should be a standing body with the status of a "principle organ" of the UN. During the upcoming Third Committee session, the EU will seek U.S. support for resolutions on Burma, Turkmenistan, and Uzbekistan, and possibly DPRK and Sudan. The Dutch have asked whether the U.S. would support an EU resolution on Zimbabwe; please see guidance request in para 7. END SUMMARY.

12. (C) DCM took advantage of an August 3 introductory call on Piet de Klerk, the Dutch MFA's Special Ambassador for Human Rights, to discuss current proposals for a new Human Rights Council (to replace the UN Commission on Human Rights) and the Third Committee agenda for the upcoming UNGA. (Note: Guantanamo discussion reported septel.) De Klerk was accompanied by Anneke Adema (Director of the MFA's Human Rights Department) and Guillaume Teerling (Desk Officer in the Human Rights Department); POLCOUNS accompanied DCM.

HUMAN RIGHTS COUNCIL: MOVING IN THE RIGHT DIRECTION

13. (C) De Klerk and Adema agreed that, in principle, the Dutch supported the objectives of the Ping report and U.S. proposals for creating a new "Human Rights Council" to replace the UN Commission on Human Rights. Thinking on this new body, they said, appeared to be "shaping up" nicely and gaining support. On the specific question of numbers, the Dutch understood the U.S. desire to keep membership restricted, but worried that "20-30" was too low; the SYG's range of "30-50" appeared more realistic. Dutch concerns in this area, they stressed, are purely practical -- as a small nation, the odds of being elected to the Council are more favorable with a larger membership. At the same time, the Dutch were looking favorably at the idea of combining the Western and Eastern European groups -- even though this could work against them getting elected -- because it sent a positive signal about the end of Cold-War divisions in Europe.

14. (C) Commenting on the U.S. proposal to limit membership in the new body to UNGA members not under UNSC sanctions, de Klerk observed that the Dutch would also like to see some "positive" incentives for membership. These might take the form of "pledges" taken by candidates for membership -- for example, to sign international Human Rights agreements and uphold their principles. DCM reiterated that the U.S. was only looking at a "very narrow" basis for denying membership, i.e., states should not be under sanctions. POLCOUNS asked how the additional Dutch "incentives" would work given the continuing relevance of regional groupings; would all states in all groups be expected to make the same commitments? De Klerk and Adema acknowledged that their ideas in this area were still not fully developed, and stressed that such pledges or other commitments would be primarily "moral" in nature rather than obligatory.

15. (C) De Klerk and Adema said that the Dutch supported making the Human Rights Council a "principal organ" of the UN system. Adema added that it would send the right signal to have all three "pillars" of the international system -- cooperation, development, and human rights -- identified with similar "organs." De Klerk suggested that calling the new body a "council" would raise its status "into the Security Council range." Both stressed that making the new Council a standing body and giving it the power to react quickly to crises and emergencies would be essential to its success. Pressed on what sort of actions they envisioned being taken by the new Council, Adema and de Klerk agreed that these should primarily involve drawing attention to human rights concerns, tasking the HR commissioner and rapporteurs, and referring the most serious issues to the Security Council.

THIRD COMMITTEE AGENDA

16. (C) Turning to the Third Committee, Adema said that the Dutch hoped to work closely with the U.S. in the upcoming round to ensure that the U.S. and EU coordinated their efforts effectively. The EU, she said, expected to put

forward resolutions on Burma, Turkmenistan, Uzbekistan, and possibly the DPRK and Sudan. On DPRK, she stressed that the EU was still considering whether it was worthwhile to pursue a resolution both in New York and Geneva, or just the latter.

She noted that the EU was considering putting forward some African resolutions, including on Sudan, but hoped to coordinate first with the African Union (which was proving problematic.) Drawing from ref, DCM observed that the U.S. felt that Sudan was an currently more of an issue for the Security Council than the Third Committee. In response, Adema observed that failure to address the Human Rights aspects of the Sudan situation by those bodies explicitly tasked with Human Rights responsibilities -- whether the Third Committee, the CHR, or the new Human Rights Council -- would only undercut the credibility of those bodies over the long term. DCM asked whether the EU was considering putting forward a resolution on Belarus, noting (per ref) that the U.S. considered the CHR resolution with a special rapporteur to be sufficient at this time. Adema did not push back.

17. (C) Following the meeting, POLCOUNS was contacted by Guillaume Teerling, who asked whether the U.S. would be prepared to support an EU Third Committee resolution on Zimbabwe. He stressed that, while the coinciding Zimbabwean elections made such a resolution politically impractical during the CHR, the EU now believes that such a resolution is necessary in light of the devastating effects of operation restore order. Post would appreciate guidance on how to respond.

BLAKEMAN